



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q61152

CLARK, SUSAN J., et al.

Appln. No.: 09/673,448

Group Art Unit: 1634

Confirmation No.: 5339

Examiner: Goldberg, J.

Filed: November 27, 2000

For: ASSAY FOR METHYLATION IN THE GST-PI GENE

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing the personal interview conducted on August 8, 2005 between Examiner Goldberg and Mark L. Hayman, Applicants' representative:

REMARKS

An Examiner's Interview Summary Record (PTO-413) was provided after the interview, and is dated August 8, 2005.

During the interview, the following were discussed:

1. Brief description of exhibits or demonstration: None.
2. Identification of claims discussed: Proposed draft claims.
3. Identification of art discussed: Lee et al.

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4. Identification of principal proposed amendments: Discussed placing assay formats in dependent claims; discussed excluding certain CpG sites via a negative limitation; and discussed amending the claims to refer to, for example, SEQ ID NOS: 52, 53, and 54, in such a manner as to be definite and overcome the new matter rejection.

5. Brief Identification of principal arguments: Applicants' attorney argued that an intent to incorporate SEQ ID NO: 60 by reference is evident in the specification as filed, and that the proposed negative limitation to exclude certain CpG sites is supported by the specification in the "Background of the Invention," as well as by the alternative description of CpG sites in the tables and throughout the specification.

6. Indication of other pertinent matters discussed: Examiner Goldberg indicated that the proposed claims and claim amendments will not be entered if submitted in response to the Final Office Action, as further consideration would be required.

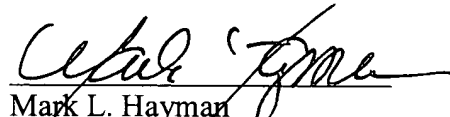
7. Results of the Interview: While no agreement was reached, Examiner Goldberg indicated that placing assay formats in dependent claims would be acceptable, and indicated that the negative limitation should be sufficient to overcome the obviousness rejection, if arguments regarding written description support are found persuasive. Examiner Goldberg also encouraged arguments regarding an intent to incorporate SEQ ID NO: 60 by reference, but did not express an opinion as to whether these would be sufficient.

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It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

It is believed that no petition or fee is required. However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,


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CUSTOMER NUMBER

Date: August 10, 2005